



August 2, 2007

# AGENDA

## COLUMBIA COUNTY PLANNING COMMISSION

The Columbia County Board of Commissioners appoints the Planning Commission. One of its purposes is to conduct public hearings relating to planning and zoning. The information gathered at this public hearing and the recommendations of the Planning Commission are forwarded to the Board of Commissioners. The Board of Commissioners takes the final action on matters presented to them based on information from the public hearing, the recommendation of the Planning Commission and debate among the Board at the Commission meeting. Anyone desiring to speak before the Planning Commission is limited to 10 minutes. If a group wishes to speak, one person must be designated to speak for the group.

<b>Call to Order .....</b>	<b>Chairperson Hall</b>
<b>Invocation .....</b>	<b>Tony Atkins</b>
<b>Pledge of Allegiance .....</b>	<b>Jean Garniewicz</b>
<b>Quorum .....</b>	<b>Chairperson Hall</b>
<b>Approval of Minutes for July 19, 2007 .....</b>	<b>Chairperson Hall</b>
<b>Reading of the Agenda .....</b>	<b>Director Browning</b>
<b>Approval of the Agenda .....</b>	<b>Chairperson Hall</b>

### Old Business

**Rezoning..... Staff**

1. **RZ85-05-05**, Request to amend S-1 zoning district (special district for a Senior Citizen Home), Tax Map 077B Parcel 473, 3.32 acres, located at 339 Marshall Street. *Commission District 2.*  
[ Application ] [ Letter ] [ Map ] [ Previous Minutes ] [ Staff Report ]

### New Business

**Final Plat..... Staff**

2. **U.N. Court**, International Parkway, Zoned M-1, 11 lots, 20.01 acres, *Commission District 3.*  
[ Map ] [ Site Plan ] [ Staff Report ]
3. **Townhomes at Willow Lake**, Willow Lake off of Hammonds Ferry, Zoned PUD, 64 units, 10.80 acres, *Commission District 1.* [ Map ] [ Site Plan ] [ Staff Report ]
4. **Windmill Plantation Phase II, Section III**, William Few Parkway, Zoned PUD, 118 lots, 51.87 acres, *Commission District 3.* [ Map ] [ Site Plan ] [ Staff Report ]
5. **Mitchell Park IV**, Mitchell Lane off of Riverwood Parkway, Zoned PUD, 24 lots, 6.94 acres, *Commission District 3.* [ Map ] [ Site Plan ] [ Staff Report ]

**Preliminary Plat..... Staff**

**Rezoning..... Staff**

6. **RZ 07-08-01**, Rezone Tax Map 074 Parcel 082, 8.28 acres located at 410 Beverly Road, from R-2 to C-2. *Commission District 2.* [ Application ] [ Letter ] [ Map ] [ Previous Minutes ]  
[ Staff Report ]



# AGENDA

## COLUMBIA COUNTY PLANNING COMMISSION

August 2, 2007

Staff Comments ..... Staff  
 Public Comments..... Chairperson Hall  
 Adjourn ..... Chairperson Hall

Columbia County Planning Commission	
Commission District and Commissioners	Planning Commissioner
Ron C. Cross, Chairman	Brett McGuire, Vice-chairman
District 1 [Ron Thigpen]	Jean Garniewicz
District 2 [Tommy Mercer]	Dean Thompson
District 3 [Diane Ford]	Deanne Hall, Chairperson
District 4 [Lee Anderson]	Tony Atkins

### Meeting Schedule: August 2007 / September 2007

Board/Commission	Date	Time	Location
Planning Commission	August 2, 2007	6:30 PM	Evans Government Center Auditorium
Board of Commissioners	August 7, 2007	6:00 PM	Appling Courthouse, Appling, GA
Planning Commission	August 16, 2007	6:30 PM	Evans Government Center Auditorium
Board of Commissioners	August 21, 2007	6:00 PM	Evans Government Center Auditorium
Planning and Engineering Services Committee	August 28, 2007	8:00 AM	Evans Government Center Auditorium
Board of Commissioners	September 4, 2007	6:00 PM	Evans Government Center Auditorium
Planning Commission	September 6, 2007	6:30 PM	Evans Government Center Auditorium
Board of Commissioners	September 18, 2007	6:00 PM	Evans Government Center Auditorium
Planning Commission	September 20, 2007	6:30 PM	Evans Government Center Auditorium
Planning and Engineering Services Committee	September 24, 2007	8:00 AM	Evans Government Center Auditorium

August 2, 2007



# AGENDA

## COLUMBIA COUNTY PLANNING COMMISSION

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Rezoning and variance items going forward to the Board of Commissioners on this agenda will be heard on *Tuesday, August 21, 2007* at 6:00 PM in the Evans Government Center Auditorium. Anyone desiring to speak at the Board of Commissioners must call (706) 868-3379 before noon on Friday, August 17, 2007 to place their name on the agenda for presentation.



# REZONING APPLICATION

Columbia County, Georgia

The undersigned requests that the property described below be rezoned from \_\_\_\_\_ to expansion of S-1

R-A Residential Agriculture  
R-1 Single family residential  
R-1A Single family residential  
R-2 Single family residential  
R-3 Single family residential  
R-3A Single family residential

R-4 Recreational Residential  
T-R Townhome Residential  
A-R Apartment Residential  
C-1 Neighborhood Commercial  
C-C Community Commercial  
C-2 General Commercial

C-3 Heavy Commercial  
M-1 Light Industrial  
M-2 General Industrial  
P-1 Professional  
S-1 Special District  
PUD Planned Unit Development  
PDD Planned Development District

## PROPERTY LOCATION:

Tax Map # 077B473 Parcel # 077B473  
Address 339 Marshall St. Acreage 2.91 Ac.  
Road Frontage 352.44 feet on the North/South/East/West (circle one) side of  
\_\_\_\_\_. Property is approximately 924.4 feet from the  
intersection of Sidney St. The attached plat for the  
property was prepared by Russel P. Howard and dated 11/30/93

## PROPOSED USE:

If approved, the property will be used for the following purposes:

Services to the elderly and/or persons suffering from substance abuse.

## APPLICANT AND OWNERSHIP INFORMATION:

OWNER: Assisted Living Care, L.L.C. APPLICANT: Mary Georgia Mohr - Partner mgr.  
ADDRESS: P.O. Box 13664 ADDRESS: 260 Ginger Hill Rd.  
CITY: Savannah ZIP: 31416 CITY: Thomson ZIP: 30824  
PHONE #: 912-354-6011 PHONE #: 706-339-3298 or  
Attention: Ted Coe 706-869-8400

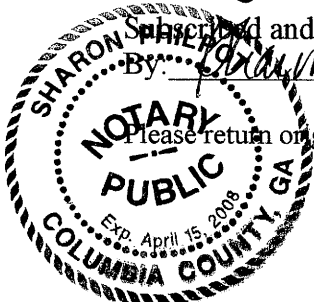
## DISCLOSERS:

Does any local government official or member of their family have a financial interest in the property, or has applicant made campaign contributions in the aggregate of \$250 or more within the past two years to any local government official. NO (yes or no). If yes, a full written disclosure must be submitted.

I hereby depose and say under the penalty of perjury that all of the statements contained in or submitted with this application are true.

Mary Georgia Mohr for Mary Georgia Mohr for  
Owner's Signature Assisted Living Care, LLC Applicant's Signature Assisted Living Care, LLC

Subscribed and sworn to before me on 10th day of May 2007  
By: [Signature] Notary Public



Please return original notarized application with all documents, along with your **\$535.00** application fee to:  
Columbia County Planning and Development Division

P.O. Box 498  
630 Ronald Reagan Drive  
Evans, GA 30809

Date Received: \_\_\_\_\_  
Public Hearing Date: \_\_\_\_\_  
File # \_\_\_\_\_

## ASSISTED LIVING CARE, L.L.C.

The property at 339 Marshall Street, Martinez was zoned S-1 in 1985 and specified service to the elderly. Since this original zoning our society has evolved to a place where there is a far greater demand, not only for services to the elderly but also for services to many more people with disabilities such as: the severe physically handicapped, developmental disabilities and substance abusers. Assisted Living Care would like the zoning to be less restrictive so that we may serve a broader population. Currently we have 3 homes, each with a capacity for 11 residents. We have sufficient acreage for one more such home should it ever be needed. The homes offer 24 hour supervision and management in a residential setting with a family atmosphere. It is and has always been our desire to be non-institutional. Residents in the homes receive 3 home cooked meals daily, snacks, housekeeping and laundry service. Residents are assisted with medication administration, personal care and grooming as needed. Extended therapy (group or individual) will be provided as needed-on and off site. We, therefore, request that the current S-1 zoning be expanded to cover any individuals who need home and community based services.

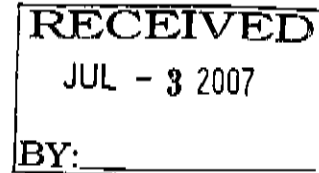
JOHNSTON, WILKIN & WILLIAMS  
ATTORNEYS AT LAW  
235 DAVIS ROAD  
P. O. BOX 211509  
AUGUSTA, GEORGIA 30917-1509

WENDELL E. JOHNSTON  
DAVID S. WILKIN  
WILLIAM J. WILLIAMS  
WENDELL E. JOHNSTON, JR.

TELEPHONE (706) 860-1952  
FAX (706) 855-0994

June 27, 2007

Columbia County Planning & Development Division  
630 Ronald Reagan Drive  
Evans, Georgia 30809



Re: RZ85-05-05 (339 Marshall Street)

Gentlemen:

My client, Assisted Living Care, LLC, would like to amend its application for re-zoning by removing any reference in the previously submitted narrative to "substance abuse" and "substance abusers." We do not intend to have residents who are suffering from alcoholism or drug abuse. We want to be able to provide service to people who are physically handicapped or suffer from developmental disabilities, along with our current service to the elderly.

Probably all of the new prospective clients would be confined to wheelchairs and would be non-ambulatory thereby reliving the concerns of the neighbors expressed at the recent meeting. My client wants to be a good neighbor to the residents in this area and has proposed this revision with those concerns in mind.

Very truly yours,

A handwritten signature in dark ink, appearing to read "W. J. Williams".

William J. Williams

WJW/sp

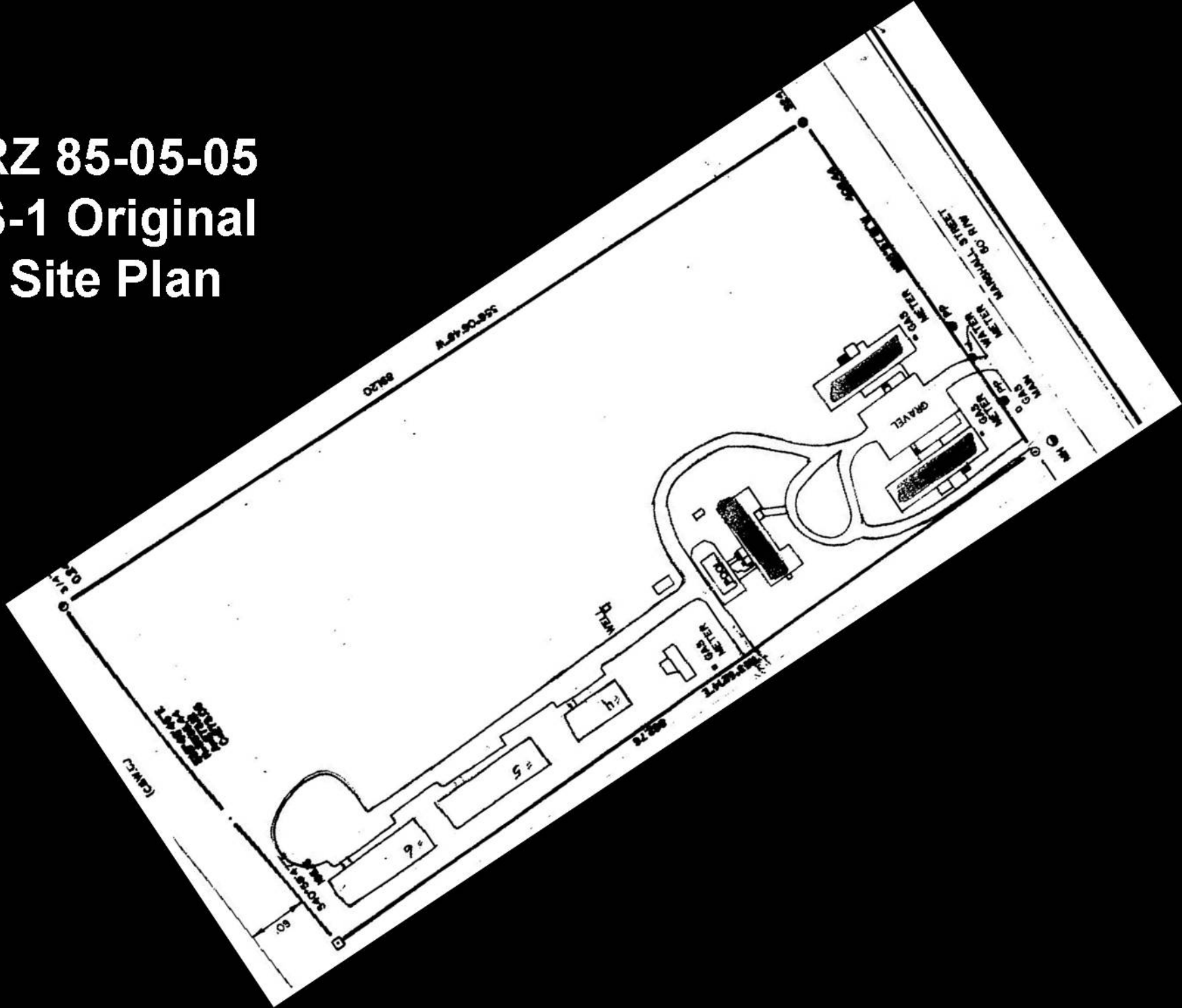
cc: Ms. Mary Georgia Mohr  
Douglas D. Batchelor, Jr., Esq.





**RZ 85-05-05 (S-1 Amendment) - Aerial**



[illegible]



05-0  
Proposed  
Plan

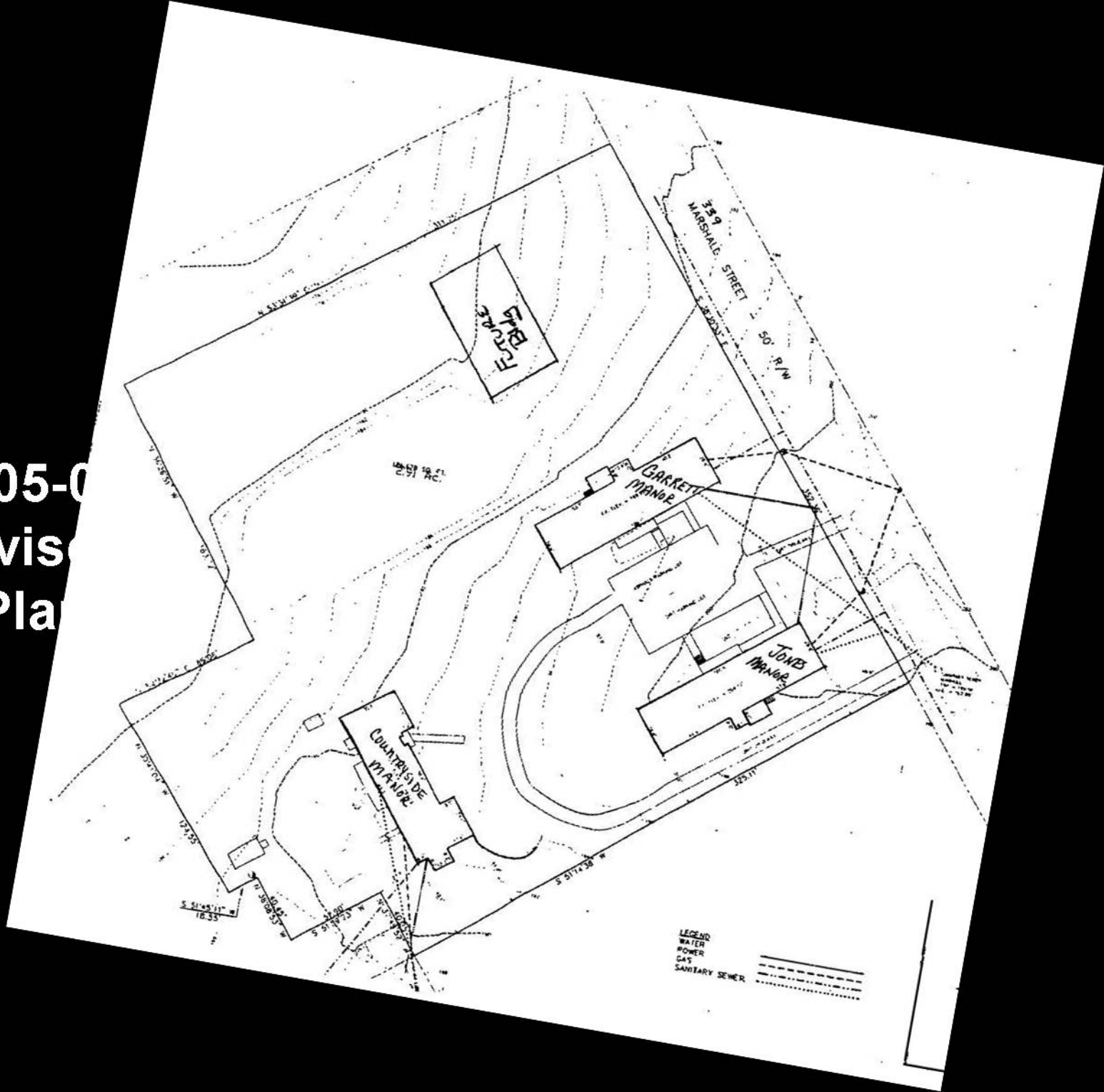
MARSHALL STREET  
50' R/W

GARRETT MANOR

JONB MANOR

COUNTRY DE MANOR

LEGEND  
WATER  
POWER  
GAS  
SANITARY SEWER



Excerpt from June 21, 2007 Planning Commission Minutes

RZ85-05-05, Request to amend S-1 zoning district (special district for a Senior Citizen Home), Tax Map 077B Parcel 473, 3.32 acres, located at 339 Marshall Street. Commission District 2.

Mr. Browning stated that S-1 zoning was approved in 1985 for a personal care home for "elderly." The current campus consists of three buildings with the capacity to house 11 clients per building. Mr. Browning stated that the applicant was requesting to add an additional building and to broaden services to the physically handicapped, developmentally disabled and substance abusers. Mr. Browning pointed out that Federal laws provided a certain degree of protection as did the Fair Housing Amendments Act (FHAA), and Americans with Disabilities Act (ADA).

Mr. Browning stated that it was presumed that the site was suitable for an additional building and that verification was not possible without an engineered site plan. Mr. Browning also pointed out that the property was larger but since its original rezoning, 5 acres was sold to Club Car. The site plan approved in 1985 was for up to six buildings on the property.

Commissioner Atkins sought clarification as to whether or not the clients were ordered by a court ruling to be at the facility or if they were there on their own accord. Mr. Browning stated that the current clients were presumed to be there by their own choice or by decisions made by their families. Mr. Browning stated that that would be a question for the proponent.

Bill Williams, Attorney-At-Law, 235 Davis Road, Augusta, GA appeared on behalf of his client, Assisted Living, LLC. Mr. Williams wanted to answer Commissioner Atkins question first and stated that the clients at the facility were there voluntarily and free to leave when they were ready. Mr. Williams stated that after review of the information, he was not certain that his client was asking for anything different than was currently allowed. He stated that they were not restricted to what type of services that they could provide to their elderly clients. Mr. Williams stated that they were only asking to broaden the type of population they could serve. Mr. Williams was also not certain as to what the cut-off age was to be considered elderly. Mr. Williams' belief was that most of the clients there were medicare and/or medicaid recipients. Mr. Williams reiterated that they were not necessarily requesting to change the zoning but merely to remove the "elderly" component which would allow them to broaden their services to people that need the care.

Commissioner Atkins asked Mr. Williams if it was the intent of his client to build another building. Mr. Williams conferred with his client and stated that it was future planning. Commissioner Atkins asked staff that if the petitioner was not currently planning to build their facility now, he wanted to know why they were here. Mr. Browning stated the change would be to remove the condition to provide services only to elderly people. Mr. Browning also stated that approval for the fourth building would alleviate them from having to come back before the planning commission to approve a revised site plan. Commissioner Thompson wanted to know if construction of another building would require engineered drawings. Mr. Browning stated that they would. Commissioner Garniewicz wanted to know how many residents were currently housed. Mr. Williams conferred with his client and stated that it was about 27 clients currently. Vice-chairman McGuire wanted to know if the original rezoning had an age restriction. Mr. Browning stated that it merely stated elderly. Commissioner Thompson wanted clarification on the procedure for the 28 day waiting period.

Ken Wilson, 2610 Commons Blvd., Augusta, GA provided information on the treatment program. He stated that the treatment programs were typically 28 days in length but that has significantly changed due to managed care, etc. Commissioner Atkins wanted to know who determined when the 28 day waiting period started and stopped to allow a client to be eligible for the facility. Mr. Wilson believed that was an ADA designation but that it did not apply to their facility as they were a private facility. Mr. Browning stated that the information "28 day sober" designation was provided to him by the county attorney. Mr. Browning stated that a client would have to have been sober 28 days to reach a protected status under the federal law.

Mark Miller, 130 Southern Bluff Drive, Macintosh County, appeared in favor of the amendment. He stated that since the original rezoning, times have changed and the need was there to provide services to additional clientele.

Veronica Payne, 470 Padrick Street, appeared with a question. She wanted to clarify that the clientele would not be sex offenders or criminals. She wanted to know if background checks would be performed on the clients. Commissioner Atkins wanted to know how long she had lived in the neighborhood. Ms. Paine stated two years. Commissioner Atkins wanted to know if she had had any problems. Ms. Paine stated she had not.

Gary Bennett, 343 Mears Street, Martinez, GA stated that in 1985 when the original request was submitted, the property extended from Marshall Street to the railroad and that the entrance was to be from the railroad side. He stated that did not happen. He was not in favor of the proposed additional and/or expanded uses. He felt that they were approved to provide services for the elderly and felt that it should be left that way. Commissioner Garniewicz wanted to know if he was aware of any substance abusers currently at the facility. He stated that he did not have immediate contact with the exception of three of the clients walking their dog through the neighborhood.

Commissioner Garniewicz asked Mr. Williams if there were clients currently being treated for substance abuse at the facility. He stated that there have been in the past but currently there were none.

Donna Brock, 321 Marshall Street appeared in opposition of the expansion for the facility. She stated that she has lived there for 36 years and has not had any incidents with the elderly. She would like it to remain as it currently is.

Mr. Gary Bennett appeared again for clarification on the treatment program for the substance abusers and whether or not the campus would be fenced in. Mr. Williams stated that the majority of the treatments were off campus. Ms. Mohr stated that all of their clients were under physicians care and that the program for the substance abuse would be implemented. Mr. Browning recommended to the commission, with Mr. Williams' permission, that his client may want to provide insight into how the program would work at their facility.

Connie Frierson, 320 Padrick Street, appeared in opposition of the amendment. She stated that the facility was classified as a nursing home and felt that was how it needed to remain. She felt that the facility did not have concrete plans to facilitate and implement the proposed uses. She stated that she did not need to be concerned about people breaking into her home.

Victoria Govia, 312 Mears Street, appeared in opposition of the amendment. She felt that if the assisted living status was changed and the other uses were allowed, it would cause crime to

develop in their residential neighborhood. She stated that they felt their neighborhood was a safe one and wanted to keep it that way.

Stanley Eason, 311 Mears Street, appeared in opposition of the rezoning. He stated that he has picked up clients from the Assisted Living facility who were wandering the streets. He stated that the caregivers had no idea where their clients were and he did not approve of allowing substance abusers at the facility.

Veronica Payne wanted to know if the amendment passed, would the facility have counselors onsite to deal with the issues the clients may be having. She wanted to know who would be monitoring substance abusers to make certain they are not relapsing, etc.

Joel McClellan, 371 Dundee Court, wanted to know if they were required to resubmit a site plan since they sold the portion of the land near the railroad. Mr. Browning confirmed that they were in fact submitting a new site plan with the amendment. Mr. McClellan wanted to know if the Assisted Living Facility was merely housing their clients and wanted to know if they had nurses and doctors around the clock at the facility.

Connie Frierson appeared again to add that she was concerned about the location of the facility and its proximity to the schools. Vice-chairman McGuire stated to the best of his knowledge, there were no county ordinances in effect prohibiting the location of the facility as it pertained to schools.

Bill Williams stated that the use of the facility was not being geared solely toward substance abusers.

Mary Georgia Mohr, 260 Ginger Hill Road, Thomson, GA appeared on behalf of the amendment. She stated that they had been there for 20 years and did not have any problems. She stated that when she reviewed her previous narrative, it was evident that they needed to remove the elderly component from the zoning as they had in the past provided services to stroke victims who were in their 20's and 40's. Ms. Mohr pointed out that they are not a nursing home. They are an Assisted Living Facility. She stated that they have around the clock supervision. Ms. Mohr added that they would be seeking the professional guidance to implement the other proposed uses as they were out of their areas of expertise. She stated that her area of expertise was geriatrics.

Vice-chairman McGuire asked if there would be a registered nurse on staff full-time. Ms. Mohr stated that they are not currently required to have an onsite nurse full-time. The nurse currently visits twice a month which is the current requirement. With regard to the substance abuse program, she was not certain if nurses would be required more than counselors to help the clients deal with their conditions but added that there is a nurse on call 24 hours a day. Commissioner Garniewicz asked if the property was fenced in. Ms. Mohr stated that the fence was damaged and later removed. If the clients were to leave the facility, they are required to sign out. Ms. Mohr did not oppose fencing in the property but she opposed having a locked gate.

Vice-chairman McGuire confirmed with Ms. Mohr that she did not know what the program was going to be because it had not been implemented yet. Ms. Mohr stated that they were seeking permission to be able to have a program developed and that it would be done by professionals in that field. Mr. Browning asked what would be the number and kind of staff. Ms. Mohr stated that there was always one person on the premises around the clock. There have been times,



based on the need, where more people were on the premises. Ms. Mohr also added that counseling and activities are scheduled for the clients as a form of therapy that took place onsite and off campus as well.

Joel McClellan appeared again and wanted to know what protection would be afforded the elderly from the substance abusers. Ms. Mohr stated that there would not be a mixed population between the substance abusers and the elderly.

Commissioner Thompson asked Mr. Browning about the buffering requirements. More specifically, he wanted to know if a fence was required. Mr. Browning stated that a fence or opaque buffer could be in place. However, as a condition of zoning, a fence could be required. Mr. Browning recited the buffer requirements for the S-1 zoning district.

Commissioner Atkins stated that this was the most unusual case considered in two years. He felt that a lot of the discussion got away from the zoning issue. He was of the opinion that the petitioner was not prepared to file the S-1 amendment because they did not have a program in place showing how the program would be administered if the property was rezoned.

Vice-Chairman McGuire declared the public hearing closed. Commissioner Atkins made the motion to disapprove the revision to RZ85-05-05. Commissioner Garniewicz seconded. Motion carried 4 - 0.



# REZONING

June 21, 2007

FILE: RZ 85-05-05

S-1 Revision

Property Information	
<b>Tax ID</b>	Tax Map 077B Parcel 473
<b>Location/address</b>	339 Marshall Street
<b>Parcel Size</b>	2.91 acres
<b>Current Zoning</b>	S-1 (Special District)
<b>Existing Land Use</b>	Residential
<b>Future Land Use</b>	Low-Density Residential
<b>Request</b>	S-1 Revision (Special District)
<b>Commission District</b>	District 2 (Mercer)
<b>Recommendation</b>	

## Summary and Recommendation

Assisted Living Care, LLC, owner, and Mary Georgia Mohr, applicant and partner manager, are requesting a change to an existing S-1 zoning to expand the permitted uses on the property from care for the elderly to services for people with disabilities including "severe physically handicapped, developmental disabilities and substance abusers." In their narrative statement Assisted Living Care states it "would like the zoning to be less restrictive so that we may serve a broader population."

The S-1 zoning was applied to the property in 1985 for "supervised residential homes for senior citizens commensurate with the existing structures on the property." The property originally extended westward to the railroad line and contained about 8.5 acres. A site plan from that period showed three existing buildings (the three that exist today on the site) and three additional buildings that would be built toward the west.

In the intervening time over one-half of the property was sold to Club Car so that the assisted living facility now contains slightly less than three acres. The current proposal is to add an additional building to the north of the three buildings currently on the site.

Nothing in the current application indicates the size of the current operation or the expansion plans. The minutes from the July 11, 1985 planning commission meeting reflect that the applicant stated that each building would house 10 to 14 people. There are three buildings on site now with a fourth building proposed. That would indicate this facility falls within the largest type of personal care facility, the congregate care type serving 16 or more residents.

To add an additional building to the complex requires amendment of the S-1 zoning and site plan to remain compliant with the S-1 zoning which is site plan specific. However, the more significant change that must be considered is expanding the use within the assisted living facility beyond "care for the elderly" to a much broader population including those with physical handicaps, developmental



# REZONING

June 21, 2007

FILE: RZ 85-05-05

S-1 Revision

disabilities and those with substance abuse problems. The county attorney has been asked to comment on what if any legal ramifications this decision may have. The county attorney has stated he will have an opinion for the planning commission prior to the meeting on June 21.

## Interdepartmental Review

### Conditions

**Water and Sewer:** Proposed building may require a private sewage lift pump for sanitary sewer service. The Owner/Developer will be responsible for all costs to provide sewer and/or water service.

**Construction and Maintenance:** Access and site distance to be approved by County Engineering Department.

**Storm Water:** Permanent drainage and utility easements are required.

### Comments

**Water and Sewer:** County water is available on a six inch line on Marshall Street. County sewer is available on an eight inch line on Marshall Street. This project will not affect the capacity of existing water and sewer infrastructure.

**Construction and Maintenance:** This project will not affect the priority of planned road projects.

**Storm Water:** There are no active projects in the area.

**Health Department:** Should have county sewer.

**Sheriff:** There have not been any traffic accidents in the past 12 months. This project will not affect safety and traffic conditions in the area. There is adequate access for public safety vehicles.

**Green space:** The property is not located in a targeted area for green space. There are no green space program lands in the area.

## Criteria for Evaluation of Rezoning Request

Criteria Point	Comment
Whether the zoning proposal will permit a use that is suitable in view of the zoning and development of adjacent and nearby property.	
Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.	



# REZONING

June 21, 2007

FILE: RZ 85-05-05

S-1 Revision

<b>Whether the zoning proposal is compatible with the purpose and intent of the GMP.</b>	
<b>Whether there are substantial reasons why the property cannot or should not be used as currently zoned.</b>	
<b>Whether the proposal could cause excessive or burdensome use of public facilities or services.</b>	
<b>Proposal is supported by new or changing conditions not anticipated by the GMP or reflected in existing zoning on the property or surrounding properties.</b>	
<b>Proposal reflects a reasonable balance between the promotion of Health, Safety, and Welfare against the right to unrestricted use of property.</b>	

COLUMBIA COUNTY  
GEORGIA





# REZONING

August 2, 2007

FILE: RZ 85-05-05

S-1 Revision

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<b>Tax ID</b>	Tax Map 077B Parcel 473
<b>Location/address</b>	339 Marshall Street
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<b>Future Land Use</b>	Low-Density Residential
<b>Request</b>	S-1 Revision (Special District)
<b>Commission District</b>	District 2 (Mercer)
<b>Recommendation</b>	

## Summary and Recommendation

This item has been referred back to the Planning Commission by the Board of Commissioners to consider new information provided by the applicant. The salient new information is contained in a letter sent by Mr. Bill Williams, attorney for the proponents indicating the applicant wishes to amend the application by removing any reference to substance abuse and substance abusers. In essence, the applicant is seeking to provide service to people who are physically handicapped or suffer from developmental disabilities, along with the current service to the elderly. The letter indicated all of the new prospective clients probably would be confined to wheelchairs. A copy of the letter is included with the staff report.

Testimony before the Board of Commissioners by an opponent of this petition indicated the operation is not licensed as required by the state. County staff has investigated this allegation. It appears that the personal care home operation is owned by Assisted Living Care, LLC located in Savannah, Georgia. The actual operation in Columbia County appears to have been conducted under three different entities:

Garrett Manor – appropriately licensed by the state Department of Human Resources as of 7/18/07 and current in payment of its occupational tax to Columbia County.

Jones Manor – appropriately licensed by the state Department of Human Resources as of 7/18/07 and current in payment of its occupational tax to Columbia County.

Countryside Manor – No indication that its state license was renewed in 2007 and no occupational tax was paid to Columbia County for 2007.

Presumably the operations within each of the three main buildings on the site were conducted under these different entities. The statement at the BOC meeting that the operation is not properly licensed may refer to the apparent lapse of the license for Countryside Manor. County staff inspections indicated current operations consisted of care for the elderly even though there is evidence that one facility is not licensed by the state and has not paid the county occupational tax. The petitioner was told the licenses and taxes would have to be taken care of by the end of the work day today.



# REZONING

August 2, 2007

FILE: RZ 85-05-05

S-1 Revision

Staff would refer the commissioners to the minutes of the June 21, 2007 meeting when this matter was last considered. You will note that the Planning Commission disapproved the application because the applicants were not prepared to provide details about the proposed changes to their operation. The petitioners in fact stated that they did not know what the operation would be until professionals were brought in to design the program. Staff has informed the attorney for the petitioner that the Planning Commission likely will be looking for more specifics of the operation that is being proposed.

Following is the staff report prepared for the June 21, 2007 public hearing.

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To add an additional building to the complex requires amendment of the S-1 zoning and site plan to remain compliant with the S-1 zoning which is site plan specific. However, the more significant change that must be considered is expanding the use within the assisted living facility beyond "care for the elderly" to a much broader population including those with physical handicaps, developmental disabilities and those with substance abuse problems. The county attorney has been asked to comment on what if any legal ramifications this decision may have. The county attorney has stated he will have an opinion for the planning commission prior to the meeting on June 21.

The county attorney has opined that persons who are physically handicapped, who are developmentally disabled, and who are recovering from substance abuse problems to the extent they have been declared sober for at least 28 days are classified as "protected individuals" under federal law. Thus, in his opinion the county cannot limit occupancy of a facility providing care to such "protected" individuals.



# REZONING

August 2, 2007

FILE: RZ 85-05-05

S-1 Revision

The county can consider whether or not expansion of the campus to include a fourth building is inappropriate for reasons of topography, utility of the site, availability of utilities or other needed services, adequate road capacity and similar circumstances. The three existing buildings occupy about 1.75 acres thus leaving almost 1.25 acres vacant and available for new construction. Density, lack of land, unsuitability of the land or lack of utilities and services do not appear to be issues with this site. Traffic generation would be expected to be low due to most occupants not owning and using automobiles. This may be an issue on which the Planning Commission will want to receive clarification.

## Interdepartmental Review

### Conditions

**Water and Sewer:** Proposed building may require a private sewage lift pump for sanitary sewer service. The Owner/Developer will be responsible for all costs to provide sewer and/or water service.

**Construction and Maintenance:** Access and site distance to be approved by County Engineering Department.

**Storm Water:** Permanent drainage and utility easements are required.

**Planning:** If approved any occupant of the facility as a patient must have been declared free of any substance abuse for at least 28 days prior to admittance to the facility.

### Comments

**Water and Sewer:** County water is available on a six inch line on Marshall Street. County sewer is available on an eight inch line on Marshall Street. This project will not affect the capacity of existing water and sewer infrastructure.

**Construction and Maintenance:** This project will not affect the priority of planned road projects.

**Storm Water:** There are no active projects in the area.

**Health Department:** Should have county sewer.

**Sheriff:** There have not been any traffic accidents in the past 12 months. This project will not affect safety and traffic conditions in the area. There is adequate access for public safety vehicles.

**Green space:** The property is not located in a targeted area for green space. There are no green space program lands in the area.

## Criteria for Evaluation of Rezoning Request

Criteria Point	Comment
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# REZONING

August 2, 2007

FILE: RZ 85-05-05

S-1 Revision

<b>Whether the zoning proposal will permit a use that is suitable in view of the zoning and development of adjacent and nearby property.</b>	
<b>Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.</b>	
<b>Whether the zoning proposal is compatible with the purpose and intent of the GMP.</b>	
<b>Whether there are substantial reasons why the property cannot or should not be used as currently zoned.</b>	
<b>Whether the proposal could cause excessive or burdensome use of public facilities or services.</b>	
<b>Proposal is supported by new or changing conditions not anticipated by the GMP or reflected in existing zoning on the property or surrounding properties.</b>	
<b>Proposal reflects a reasonable balance between the promotion of Health, Safety, and Welfare against the right to unrestricted use of property.</b>	



# U.N. Court - Aerial



Lewiston Road

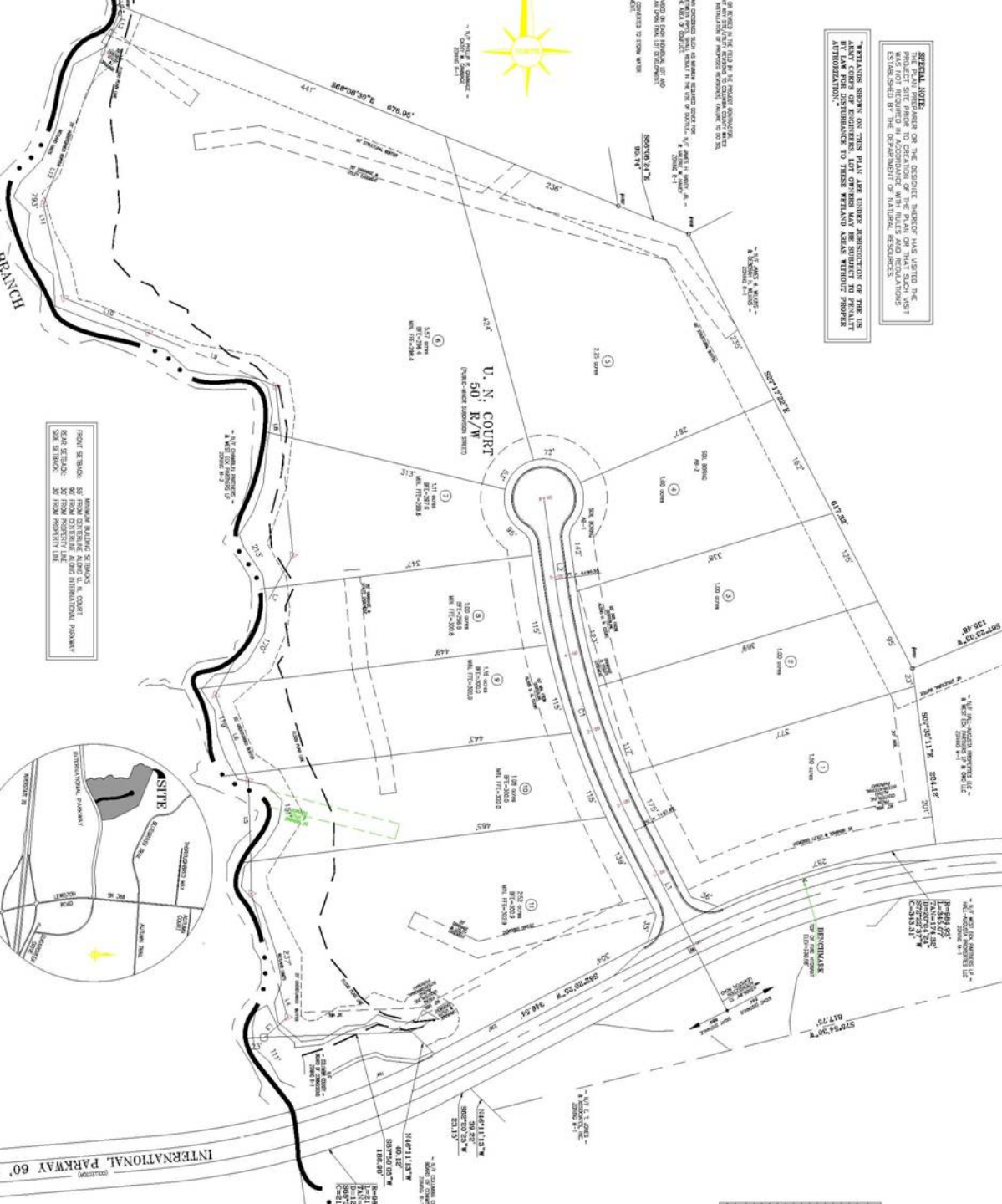
Site

I-20

International  
Parkway



# U.N. Court Final Plat





# FINAL PLAT

## U.N. COURT

### Property Information

Subdivision Name	U.N. Court
Location/address	International Parkway
Development Acreage	20.01
Number of lots/units	11 lots (1.82 acres/lot)
Zoning	M-1 (Light Industrial)
Engineer/Surveyor	James Swift & Associates
Commission District	District 3 (Ford)
Recommendation	Approval with conditions

### Summary and Recommendation

The developer, U.N. Court LLC, seeks final plat approval for U.N. Court located on International Parkway. This development contains 11 lots on 20.01 acres for an average of 1.82 acres per lot. The property is zoned M-1 (Light Industrial). The plat has received the necessary approvals with a few minor changes to be made before its release for sale of lots. The improvements are completed and have been inspected, and they are scheduled for acceptance at the August 7, 2007, BOC meeting.

Staff recommends **approval contingent upon BOC acceptance of improvements at its August 7, 2007, meeting.**



# Townhomes at Willow Lake - Aerial



Fury's Ferry  
Road

Site

Southern Pines  
Drive

Hammonds  
Ferry



# Town homes at Willow Lake - Final Plat





# FINAL PLAT

## TOWNHOMES AT WILLOW LAKE

### Property Information

Subdivision Name	Townhomes at Willow Lake
Location/address	Willow Lake off of Hammonds Ferry
Development Acreage	10.80 acres
Number of lots/units	64 units (5.93 units per acre)
Zoning	PUD (Planned Unit Development)
Engineer/Surveyor	James Swift & Associates
Commission District	District 1 (Thigpen)
Recommendation	Approval with conditions

### Summary and Recommendation

The developer, Bruce Lyons, seeks final plat approval for the Townhomes at Willow Lake located on Willow Lake off of Hammonds Ferry in Jones Creek. This development contains 64 units on 10.80 acres for an average of 5.93 units per acre. The property is zoned PUD (Planned Unit Development). The plat has received the necessary approvals with a few minor changes to be made before its release for sale of lots. The applicant is bonding the installation of required landscaping improvements for both a required natural and structural buffer, and the bond is scheduled to be accepted by the BOC along with other installed improvements at the August 7, 2007, meeting.

Staff recommends **approval contingent upon BOC acceptance of the performance bond and installed improvements at its August 7, 2007, meeting.**



# Windmill Plantation – Phase II, Section III

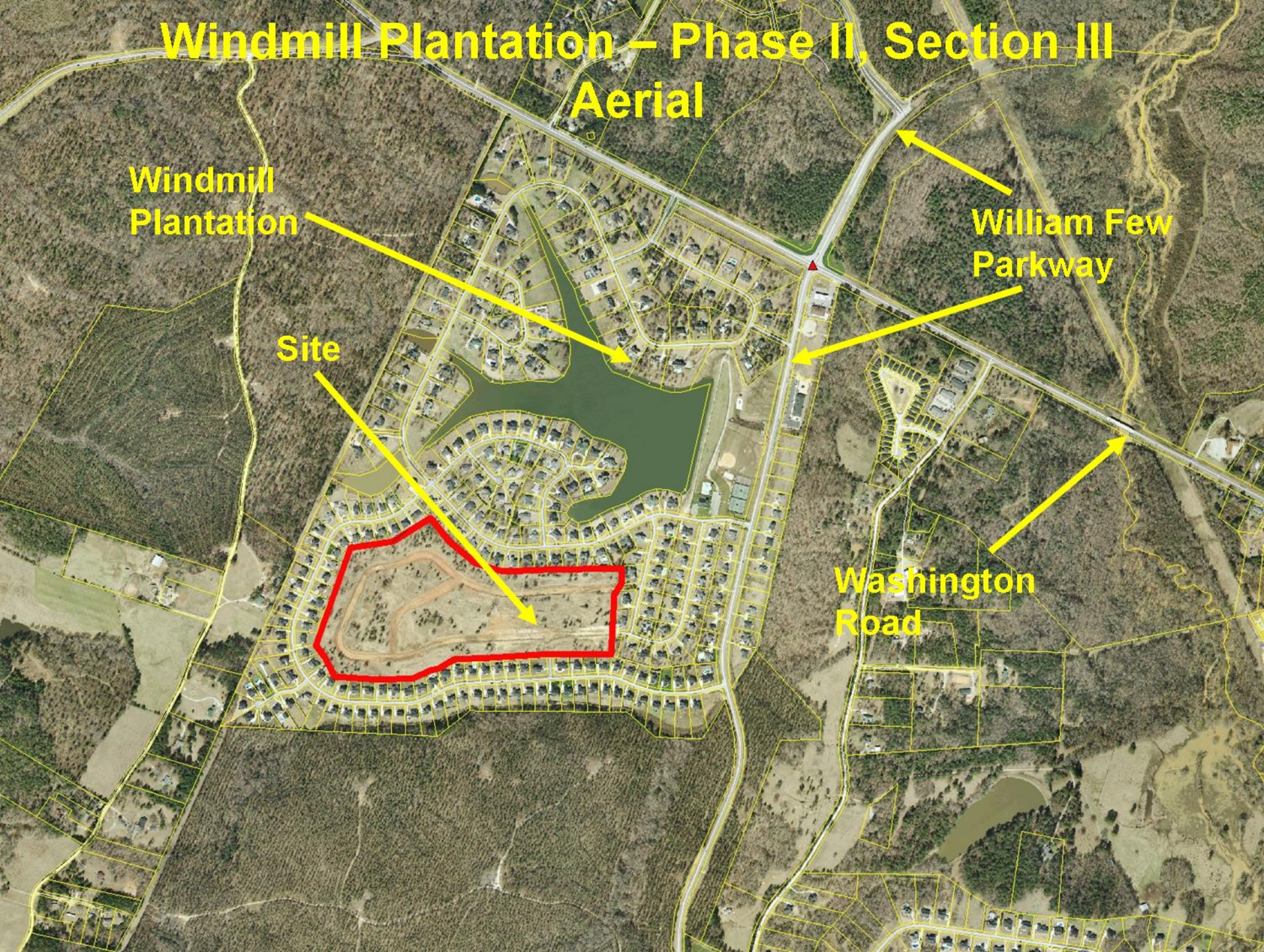
## Aerial

Windmill  
Plantation

William Few  
Parkway

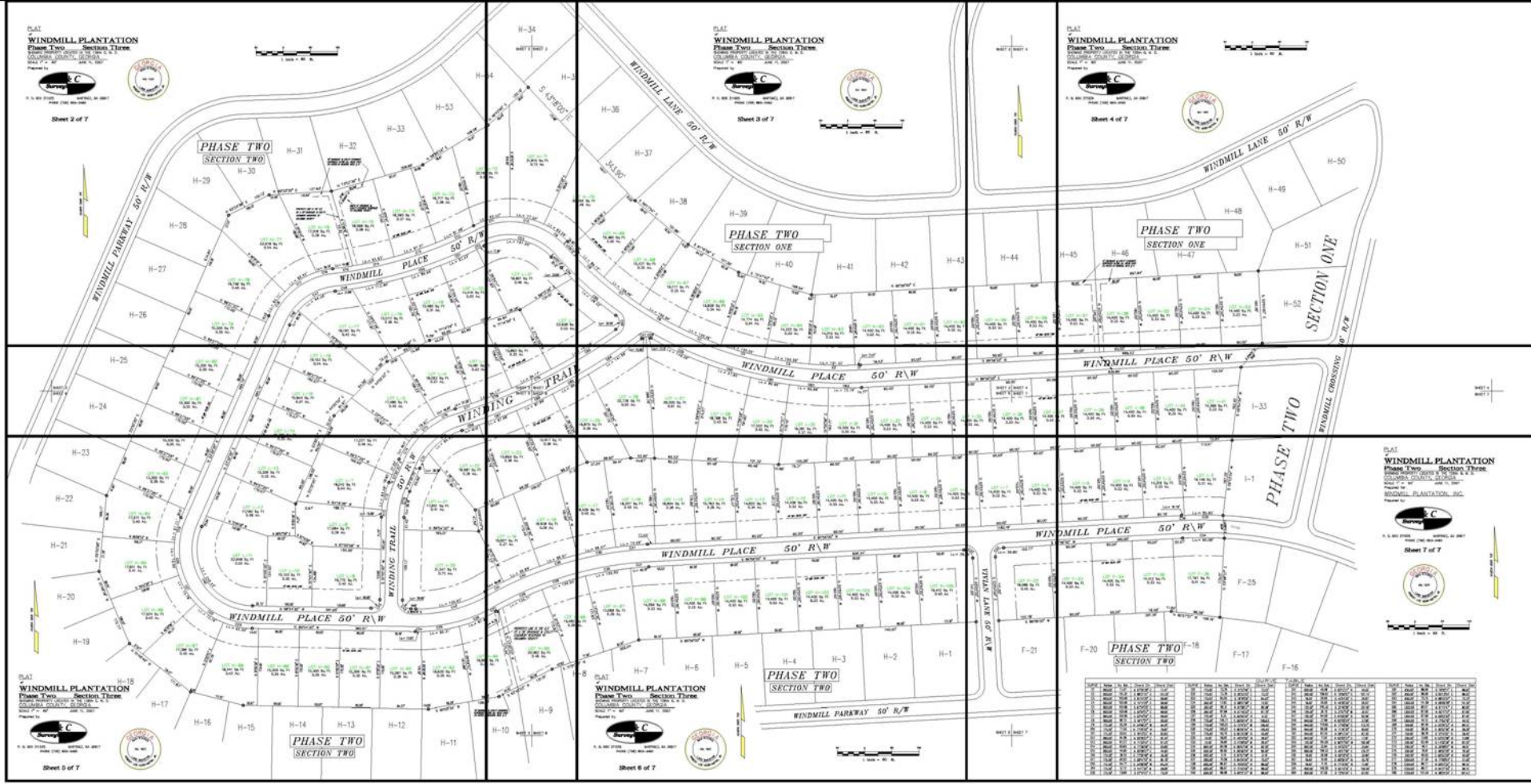
Site

Washington  
Road





# Windmill Plantation – Phase II, Section III Final Plat





# FINAL PLAT

## WINDMILL PLANTATION PHASE II, SECTION III

### Property Information

Subdivision Name	Windmill Plantation Phase II, Section III
Location/address	William Few Parkway
Development Acreage	51.87 acres
Number of lots/units	118 lots (2.27 lots per acre)
Zoning	PUD (Planned Unit Development)
Engineer/Surveyor	H&C Surveying
Commission District	District 3 (Ford)
Recommendation	Approval with conditions

### Summary and Recommendation

The developer, Windmill Plantation, Inc., seeks final plat approval for the Windmill Plantation Phase II, Section III located on William Few Parkway. This section of the development contains 118 lots on 51.87 acres for an average of 2.27 lots per acre. The property is zoned PUD (Planned Unit Development). The plat has received the necessary approvals with a few changes to be made before its release for sale of lots. Approval is contingent upon swales being installed by each builder at the time of individual lot preparation for home construction. A stormwater management plan for each lot will also be required at the time of lot construction to insure that the swales to be installed do not adversely impact neighboring lots. The improvements are scheduled for acceptance by the BOC at the August 7, 2007, meeting.

Staff recommends **approval contingent upon BOC acceptance of improvements at its August 7, 2007, meeting with all staff conditions included.**



# Mitchell Park IV - Aerial



Mitchell Lane

Riverwood  
Parkway

Site

William Few  
Parkway

Washington  
Road



# Mitchell Park IV - Final Plat





# FINAL PLAT

## MITCHELL PARK IV

### Property Information

Subdivision Name	Mitchell Park IV
Location/address	Mitchell Lane off of Riverwood Parkway
Development Acreage	6.94 acres
Number of lots/units	24 lots (3.46 lots per acre)
Zoning	PUD (Planned Unit Development)
Engineer/Surveyor	H&C Surveying
Commission District	District 3 (Ford)
Recommendation	Approval with conditions

### Summary and Recommendation

The developer, Riverwood Land, Inc., seeks final plat approval for Mitchell Park IV located on Mitchell Lane off of Riverwood Parkway. This section of the development contains 24 lots on 6.94 acres for an average of 3.46 lots per acre. The property is zoned PUD (Planned Unit Development). The plat has received the necessary approvals with a few changes to be made to the plat and in the field before its release for sale of lots. Approval is contingent upon the extension of a storm sewer line to the rear property line of lot 19 by the developer. An easement reserved to Columbia County will be required over the storm line and discharge point. Additionally, a fire hydrant and valve box must be raised a minimum of one foot in the field, and a doghouse tie-in manhole must be cut-in, cleaned, and made serviceable in the field. The owner has agreed to these conditions. The improvements are tentatively scheduled for acceptance by the BOC at the August 7, 2007, meeting.

Staff recommends **approval contingent upon BOC acceptance of improvements with all staff conditions included.**

# REZONING APPLICATION

Columbia County, Georgia

The undersigned requests that the property described below be rezoned from R-2 to C-2

R-A Residential Agriculture  
R-1 Single family residential  
R-1A Single family residential  
R-2 Single family residential  
R-3 Single family residential  
R-3A Single family residential

R-4 Recreational Residential  
T-R Townhome Residential  
A-R Apartment Residential  
C-1 Neighborhood Commercial  
C-C Community Commercial  
C-2 General Commercial

C-3 Heavy Commercial  
M-1 Light Industrial  
M-2 General Industrial  
P-1 Professional  
S-1 Special District  
PUD Planned Unit Development  
PDD Planned Development District

## PROPERTY LOCATION:

Tax Map # 24 Parcel # 82  
Address 410 Beverly Road, Martinez GA 30907 Acreage 8.285 Acres  
Road Frontage 208.6' feet on the North/South/East/West (circle one) side of  
Wheeler Road. Property is approximately 100' feet from the  
intersection of Wheeler Road - Beverly Road. The attached plat for the  
property was prepared by Southern Land Surveyor and dated 12-29-06

## PROPOSED USE:

If approved, the property will be used for the following purposes:

Approximately 3.2 acres is to be used for the celebration of  
London's 800th Anniversary. The remaining property will be  
used for commercial purposes.

## APPLICANT AND OWNERSHIP INFORMATION:

OWNER: Estate of Ruby May Edwards APPLICANT: Larry R. Edwards Executor

ADDRESS: 410 Beverly Rd

ADDRESS: 3025 Ray Owens Rd

CITY: MARTINEZ ZIP: 30907

CITY: Appling ZIP: 30802

PHONE #: 706-541-1768

PHONE #: 706-541-1768

## DISCLOSERS:

Does any local government official or member of their family have a financial interest in the property, or has applicant made campaign contributions in the aggregate of \$250 or more within the past two years to any local government official NO (yes or no). If yes, a full written disclosure must be submitted.

I hereby depose and say under the penalty of perjury that all of the statements contained in or submitted with this application are true.

Larry R. Edwards Executor  
Owner's Signature

Larry R. Edwards Executor  
Applicant's Signature

Subscribed and sworn to before me on 28th day of June 2007

By: [Signature] Notary Public

Please return original notarized application with all documents, along with your \$535.00 application fee to:  
Columbia County Planning and Development Division

P.O. Box 498  
630 Ronald Reagan Drive  
Evans, GA 30809



Date Received: 6/29/07  
Public Hearing Date: 8/2/07  
File # 07-08-01



Columbia County Water Utility  
Engineering Department

July 2, 2007

RE: Sanitary Sewer Extension  
Calculations and Flow  
Testing Requirements

Dear Professionals:

The Georgia Department of Environmental Protection Waste Water agency has conducted a recent audit of the review process and sanitary sewer capacity determination required to maintain Columbia County's delegation authority. As a result of this recent audit, Columbia County is required to accurately account for all levels of existing and proposed flows within the sewer system and to provide a more stringent testing method for sanitary sewer systems. In order to meet this requirement, the Board of Commissioners has approved a new sanitary sewer monitoring flow test requirement along with vacuum testing of manholes and low pressure air testing sanitary sewer systems. All sanitary sewer structures shall have an exterior bituminous wrap around all joints in addition to the standard joint sealant.

The flow test must be in place and flows monitored for a minimum of two weeks to log standard flows and rainfall events. The results of the monitoring shall be captured and recorded in Date/Time, Velocity, Level and Flow form. These results will be forwarded to the respective Engineer/Developer for analysis. Existing flows shall be combined with the proposed flows to conclude a preliminary line capacity determination for the proposed development. The flow test data and proposed flows shall be submitted to the Water Utility Engineering Department for review. The review will consist of evaluating the calculations provided and summing all proposed upstream flows and assess downstream impacts to determine line capacity for the proposed development. The flow test may be conducted by the Columbia County Water Utility Engineering Department at a cost of \$350.00 each or by an outside testing agency.

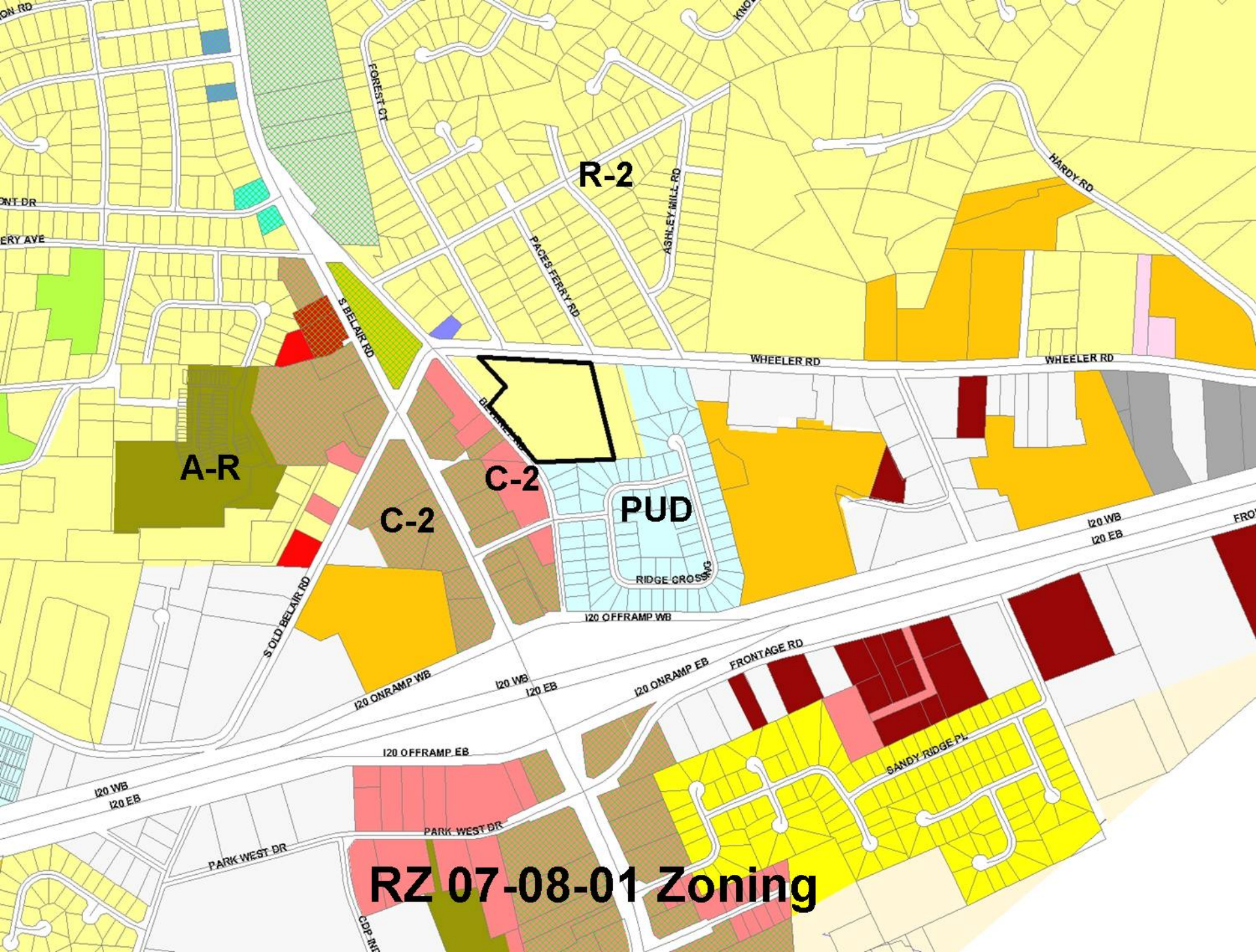
The new flow testing requirement and testing methods of sanitary sewers will be instituted and apply to all projects submitted for review on August 1, 2007 or thereafter. The testing methods for sanitary sewer systems shall be in strict accordance with the most current edition of UNI-B-6. We urge the Engineer/Developer to request the flow test well in advance of design to assure adequate line capacity before commencing with final design of the project.

If there are any questions, please do not hesitate to contact me.

Respectfully yours,

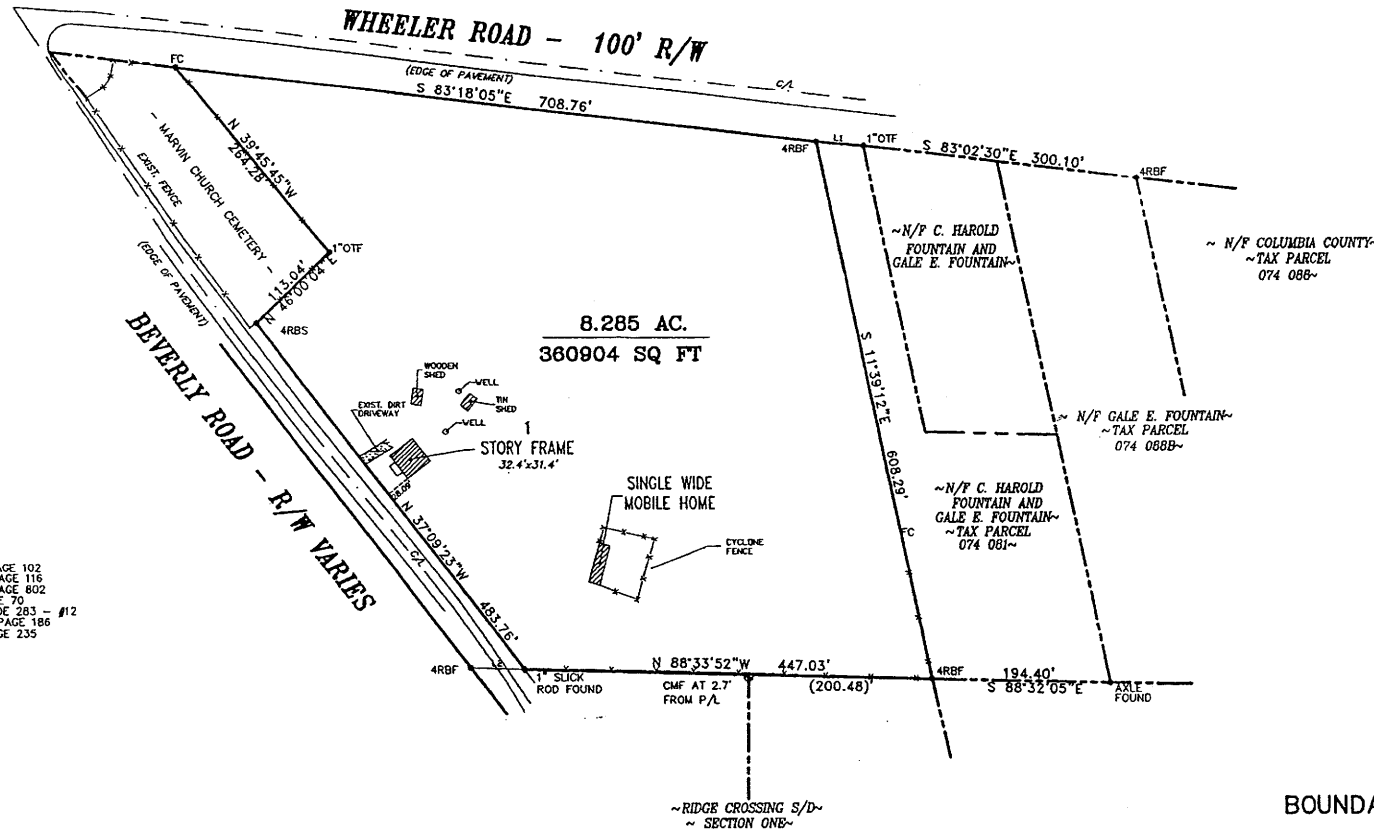
Eric M. Hinds  
Engineering/ Inspections Manager  
Columbia County Water Utility  
[ehinds@columbiacountyga.gov](mailto:ehinds@columbiacountyga.gov)





**RZ 07-08-01 Zoning**

LINE	BEARING	DISTANCE
L 1	S 85°21'00"E	51.56'
L 2	N 88°21'36"W	58.81'



- REFERENCES:
1. DEED BOOK 105, PAGE 102
  2. DEED BOOK 237, PAGE 116
  3. DEED BOOK 240, PAGE 802
  4. PLAT BOOK 9, PAGE 70
  5. PLAT C&B, AA, SLIDE 283 - #12
  6. DEED BOOK 4343, PAGE 186
  7. PLAT BOOK 13, PAGE 235

NOTE:

1. THIS PROPERTY MAY ALSO BE SUBJECT TO EASEMENTS, SETBACKS OR REGULATIONS, NOT SHOWN ON THIS PLAT, BUT WHICH MAY BE ON RECORD IN THE CLERK OF SUPERIOR COURT'S OFFICE.
2. ACCORDING TO THE FEMA FLOOD MAP 130059 095 B AND 130059 0090 B THIS PROPERTY IS NOT IN A 100 YEAR FLOOD ZONE.

IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATED AND HAS BEEN PREPARED IN ACCORDANCE WITH THE MINIMUM STANDARDS OF LAW.



THIS FIELD SURVEY AND PLAT WAS PREPARED AT THE REQUEST OF AND FOR THE EXCLUSIVE USE OF THE OWNER(S) OF THIS PROPERTY ON THE DATE THE FIELD SURVEY WAS COMPLETED.

TECHNICAL DATA:

INSTRUMENT USED - TOPCON GPT-1003  
ANGULAR ERROR - 5" PER POINT  
TRAVERSE CLOSURE - 1/17,183'  
ADJUSTMENT BY NO RULE

BOUNDARY PLAT

FOR

**LARRY R. EDMONDS**

SHOWING PROPERTY KNOWN AS 410 BEVERLY ROAD LOCATED IN THE 125th. G.M.D. OF COLUMBIA COUNTY.

COLUMBIA COUNTY, GEORGIA

SCALE: 1"=100' DECEMBER 29, 2006

PREPARED BY

**SOUTHERN LAND SURVEYORS, INC.**

4571-C COX ROAD PHONE (706)855-6700 EVANS, GEORGIA 30809

Excerpt from June 21, 2007 Planning Commission Minutes

RZ85-05-05, Request to amend S-1 zoning district (special district for a Senior Citizen Home), Tax Map 077B Parcel 473, 3.32 acres, located at 339 Marshall Street. Commission District 2.

Mr. Browning stated that S-1 zoning was approved in 1985 for a personal care home for "elderly." The current campus consists of three buildings with the capacity to house 11 clients per building. Mr. Browning stated that the applicant was requesting to add an additional building and to broaden services to the physically handicapped, developmentally disabled and substance abusers. Mr. Browning pointed out that Federal laws provided a certain degree of protection as did the Fair Housing Amendments Act (FHAA), and Americans with Disabilities Act (ADA).

Mr. Browning stated that it was presumed that the site was suitable for an additional building and that verification was not possible without an engineered site plan. Mr. Browning also pointed out that the property was larger but since its original rezoning, 5 acres was sold to Club Car. The site plan approved in 1985 was for up to six buildings on the property.

Commissioner Atkins sought clarification as to whether or not the clients were ordered by a court ruling to be at the facility or if they were there on their own accord. Mr. Browning stated that the current clients were presumed to be there by their own choice or by decisions made by their families. Mr. Browning stated that that would be a question for the proponent.

Bill Williams, Attorney-At-Law, 235 Davis Road, Augusta, GA appeared on behalf of his client, Assisted Living, LLC. Mr. Williams wanted to answer Commissioner Atkins question first and stated that the clients at the facility were there voluntarily and free to leave when they were ready. Mr. Williams stated that after review of the information, he was not certain that his client was asking for anything different than was currently allowed. He stated that they were not restricted to what type of services that they could provide to their elderly clients. Mr. Williams stated that they were only asking to broaden the type of population they could serve. Mr. Williams was also not certain as to what the cut-off age was to be considered elderly. Mr. Williams' belief was that most of the clients there were medicare and/or medicaid recipients. Mr. Williams reiterated that they were not necessarily requesting to change the zoning but merely to remove the "elderly" component which would allow them to broaden their services to people that need the care.

Commissioner Atkins asked Mr. Williams if it was the intent of his client to build another building. Mr. Williams conferred with his client and stated that it was future planning. Commissioner Atkins asked staff that if the petitioner was not currently planning to build their facility now, he wanted to know why they were here. Mr. Browning stated the change would be to remove the condition to provide services only to elderly people. Mr. Browning also stated that approval for the fourth building would alleviate them from having to come back before the planning commission to approve a revised site plan. Commissioner Thompson wanted to know if construction of another building would require engineered drawings. Mr. Browning stated that they would. Commissioner Garniewicz wanted to know how many residents were currently housed. Mr. Williams conferred with his client and stated that it was about 27 clients currently. Vice-chairman McGuire wanted to know if the original rezoning had an age restriction. Mr. Browning stated that it merely stated elderly. Commissioner Thompson wanted clarification on the procedure for the 28 day waiting period.

Ken Wilson, 2610 Commons Blvd., Augusta, GA provided information on the treatment program. He stated that the treatment programs were typically 28 days in length but that has significantly changed due to managed care, etc. Commissioner Atkins wanted to know who determined when the 28 day waiting period started and stopped to allow a client to be eligible for the facility. Mr. Wilson believed that was an ADA designation but that it did not apply to their facility as they were a private facility. Mr. Browning stated that the information "28 day sober" designation was provided to him by the county attorney. Mr. Browning stated that a client would have to have been sober 28 days to reach a protected status under the federal law.

Mark Miller, 130 Southern Bluff Drive, Macintosh County, appeared in favor of the amendment. He stated that since the original rezoning, times have changed and the need was there to provide services to additional clientele.

Veronica Payne, 470 Padrick Street, appeared with a question. She wanted to clarify that the clientele would not be sex offenders or criminals. She wanted to know if background checks would be performed on the clients. Commissioner Atkins wanted to know how long she had lived in the neighborhood. Ms. Paine stated two years. Commissioner Atkins wanted to know if she had had any problems. Ms. Paine stated she had not.

Gary Bennett, 343 Mears Street, Martinez, GA stated that in 1985 when the original request was submitted, the property extended from Marshall Street to the railroad and that the entrance was to be from the railroad side. He stated that did not happen. He was not in favor of the proposed additional and/or expanded uses. He felt that they were approved to provide services for the elderly and felt that it should be left that way. Commissioner Garniewicz wanted to know if he was aware of any substance abusers currently at the facility. He stated that he did not have immediate contact with the exception of three of the clients walking their dog through the neighborhood.

Commissioner Garniewicz asked Mr. Williams if there were clients currently being treated for substance abuse at the facility. He stated that there have been in the past but currently there were none.

Donna Brock, 321 Marshall Street appeared in opposition of the expansion for the facility. She stated that she has lived there for 36 years and has not had any incidents with the elderly. She would like it to remain as it currently is.

Mr. Gary Bennett appeared again for clarification on the treatment program for the substance abusers and whether or not the campus would be fenced in. Mr. Williams stated that the majority of the treatments were off campus. Ms. Mohr stated that all of their clients were under physicians care and that the program for the substance abuse would be implemented. Mr. Browning recommended to the commission, with Mr. Williams' permission, that his client may want to provide insight into how the program would work at their facility.

Connie Frierson, 320 Padrick Street, appeared in opposition of the amendment. She stated that the facility was classified as a nursing home and felt that was how it needed to remain. She felt that the facility did not have concrete plans to facilitate and implement the proposed uses. She stated that she did not need to be concerned about people breaking into her home.

Victoria Govia, 312 Mears Street, appeared in opposition of the amendment. She felt that if the assisted living status was changed and the other uses were allowed, it would cause crime to



develop in their residential neighborhood. She stated that they felt their neighborhood was a safe one and wanted to keep it that way.

Stanley Eason, 311 Mears Street, appeared in opposition of the rezoning. He stated that he has picked up clients from the Assisted Living facility who were wandering the streets. He stated that the caregivers had no idea where their clients were and he did not approve of allowing substance abusers at the facility.

Veronica Payne wanted to know if the amendment passed, would the facility have counselors onsite to deal with the issues the clients may be having. She wanted to know who would be monitoring substance abusers to make certain they are not relapsing, etc.

Joel McClellan, 371 Dundee Court, wanted to know if they were required to resubmit a site plan since they sold the portion of the land near the railroad. Mr. Browning confirmed that they were in fact submitting a new site plan with the amendment. Mr. McClellan wanted to know if the Assisted Living Facility was merely housing their clients and wanted to know if they had nurses and doctors around the clock at the facility.

Connie Frierson appeared again to add that she was concerned about the location of the facility and its proximity to the schools. Vice-chairman McGuire stated to the best of his knowledge, there were no county ordinances in effect prohibiting the location of the facility as it pertained to schools.

Bill Williams stated that the use of the facility was not being geared solely toward substance abusers.

Mary Georgia Mohr, 260 Ginger Hill Road, Thomson, GA appeared on behalf of the amendment. She stated that they had been there for 20 years and did not have any problems. She stated that when she reviewed her previous narrative, it was evident that they needed to remove the elderly component from the zoning as they had in the past provided services to stroke victims who were in their 20's and 40's. Ms. Mohr pointed out that they are not a nursing home. They are an Assisted Living Facility. She stated that they have around the clock supervision. Ms. Mohr added that they would be seeking the professional guidance to implement the other proposed uses as they were out of their areas of expertise. She stated that her area of expertise was geriatrics.

Vice-chairman McGuire asked if there would be a registered nurse on staff full-time. Ms. Mohr stated that they are not currently required to have an onsite nurse full-time. The nurse currently visits twice a month which is the current requirement. With regard to the substance abuse program, she was not certain if nurses would be required more than counselors to help the clients deal with their conditions but added that there is a nurse on call 24 hours a day. Commissioner Garniewicz asked if the property was fenced in. Ms. Mohr stated that the fence was damaged and later removed. If the clients were to leave the facility, they are required to sign out. Ms. Mohr did not oppose fencing in the property but she opposed having a locked gate.

Vice-chairman McGuire confirmed with Ms. Mohr that she did not know what the program was going to be because it had not been implemented yet. Ms. Mohr stated that they were seeking permission to be able to have a program developed and that it would be done by professionals in that field. Mr. Browning asked what would be the number and kind of staff. Ms. Mohr stated that there was always one person on the premises around the clock. There have been times,



based on the need, where more people were on the premises. Ms. Mohr also added that counseling and activities are scheduled for the clients as a form of therapy that took place onsite and off campus as well.

Joel McClellan appeared again and wanted to know what protection would be afforded the elderly from the substance abusers. Ms. Mohr stated that there would not be a mixed population between the substance abusers and the elderly.

Commissioner Thompson asked Mr. Browning about the buffering requirements. More specifically, he wanted to know if a fence was required. Mr. Browning stated that a fence or opaque buffer could be in place. However, as a condition of zoning, a fence could be required. Mr. Browning recited the buffer requirements for the S-1 zoning district.

Commissioner Atkins stated that this was the most unusual case considered in two years. He felt that a lot of the discussion got away from the zoning issue. He was of the opinion that the petitioner was not prepared to file the S-1 amendment because they did not have a program in place showing how the program would be administered if the property was rezoned.

Vice-Chairman McGuire declared the public hearing closed. Commissioner Atkins made the motion to disapprove the revision to RZ85-05-05. Commissioner Garniewicz seconded. Motion carried 4 - 0.



# REZONING August 2, 2007

FILE: RZ 07-08-01

R-2 to C-2

<b>Property Information</b>	
<b>Tax ID</b>	Tax Map 074 Parcel 082
<b>Location/address</b>	410 Beverly Road
<b>Parcel Size</b>	8.28 +/- acres
<b>Current Zoning</b>	R-2 (Single Family Residential)
<b>Existing Land Use</b>	Undeveloped
<b>Future Land Use</b>	Commercial
<b>Request</b>	C-2 (General Commercial)
<b>Commission District</b>	District 2 (Mercer)
<b>Recommendation</b>	Approve

## Summary and Recommendation

The estate of Rubye May Edmonds, owner, and Larry R. Edmonds, executor and applicant, are requesting the rezoning of 8.28 acres from R-2 Single Family Residential to C-2 Commercial General zoning. The property is located within the northeast quadrant of the interchange of I-20 with Belair Road near the intersection of Wheeler Road and Beverly Road, and is within the Tier II commercial node surrounding this interchange. The zoning surrounding this property is mixed. To the north across Wheeler Road the zoning is R-2 that is applied to Quail Creek Subdivision. On the east side the property is bordered by property zoned R-2 but currently occupied by a business called Harold Fountain Auto Service. To the west immediately adjacent to the property in question is an R-2 zoned parcel that is the church cemetery owned by Marvin Methodist Church. Farther to the west between Beverly Road and Belair Road is a large area of C-2 zoning occupied by various commercial businesses, many of them oriented to interstate traffic (restaurants, service stations, etc.). To the south is a planned unit development consisting of 71 apartment buildings and perhaps as many as 284 apartment units.

The property currently contains a single story frame structure (presumably a residence), a single wide mobile home and various sheds or outbuildings. Otherwise the property is vacant. The application states that about three acres may be occupied by a plumbing supply business; the remaining property would be either developed or sold at a later date. The Commission is reminded that the petitioner is not obligated to state a specific use nor would he be held to that specific use.

This property is designated for commercial use by the growth management plan and is within a Tier II node. The analysis of this Tier II node is included below. The intent of the staff analysis is to give to the Planning Commission an overview of what the node intends in general, and how land uses should be arranged in this node in particular. As you will see from the figures in the node analysis this Tier II node does not fit the classic Tier II node in its actual functioning, and therefore will not adhere to the more specific criteria established for a Tier II node. As one example, this commercial node is



# REZONING August 2, 2007

FILE: RZ 07-08-01

R-2 to C-2

adjacent to an interstate and contains hotels, motels, restaurants, service stations and similar transient oriented businesses in much greater abundance than one would find in other Tier II nodes such as Evans to Locks/Fury's Ferry Road or the node at Greenbrier.

Consequently, the commercial makeup of this Tier II node will be different than the makeup of other nodes. Further the proportion of commercial and even industrial development will be higher than is typical in other Tier II nodes. In this case there is already over 700,000 square feet of commercial development whereas the maximum in more typical Tier II nodes would be no more than 600,000 square feet. Staff would not suggest this rezoning should be denied on the basis of exceeding the typical guidelines in terms of quantity of commercial zoning.

In terms of a "qualitative" evaluation, staff is of the opinion that commercial development or high density residential development would be viable uses at this location. One apartment development already exists to the south and another is being considered almost due north of this site across Wheeler Road. Concerns could be raised with having another large residential complex in such close proximity that could contribute to traffic problems. Another viable use of the property could be hotel or motel facilities which would require the C-2 zoning district and would therefore lend support or justification to this rezoning request.

## Interdepartmental Review

### Node Analysis

#### 1. Interstate Service Area Land Use

##### a. GMP Goals

"Tier II nodes can contain retail, office/professional, civic, and dense residential land uses such as smaller multi-family developments and town homes. Generally Tier II nodes will have less acreage and less commercial square feet than Tier I nodes and are generally about 1 mile in diameter. Also, big box stores that draw from a regional market are not appropriate for Tier II nodes."

The GMP recommends 300,000-600,000 square feet of commercial floor area in Tier II nodes.

##### b. Current Status

32.2% Residential

25.7% Commercial

35.1% Industrial

0.4% Professional

6.6% Open Space & Institutional

729,013 sq. ft. of built commercial floor area

1,250,907 sq. ft. of built & potential commercial floor area (at 0.16 FAR)

##### c. Impact of Rezoning

30.6% Residential

27.1% Commercial





# REZONING August 2, 2007

FILE: RZ 07-08-01

R-2 to C-2

35.1% Industrial  
0.4% Professional  
6.6% Open Space & Institutional

57,708 sq. ft. of additional commercial floor area (at 0.16 FAR)  
1,308,615 sq. ft. of built & potential commercial floor area (at 0.16 FAR)

## 2. Housing Mix

### a. GMP Goal

"Tier II nodes can contain... dense residential land uses such as smaller multi-family developments and town homes."

### b. Current Status

138 s.f. units (29.6%)  
327 m.f. units (70.3%)

### c. Impact of Rezoning

Rezoning the 8.28 acre lot currently zoned R-2 would eliminate up to 36 potential single-family lots. However, the GMP does not require single-family housing in the node, therefore the housing mix would not be hurt by rezoning the property.

## 3. Balance of multi-family housing to commercial floor area

### a. GMP Goal

1 m.f. unit per 1,000 square feet of commercial floor area is an appropriate balance.

### b. Current Status

0.45 m.f. units per 1,000 square feet of commercial floor area

### c. Impact of Rezoning

An increase in commercial zoning would not enhance the balance of m.f. units to commercial floor area. However, the Interstate Service Area is the Tier II node least amenable to residential development in the County due to its close proximity to Interstate 20 and large amount of high-intensity C-2 commercial uses and industrial development, rendering most of it incompatible with residential uses. Considering the unique character of the node, the GMP's recommended amount of multifamily housing should not necessarily preclude additional commercial zoning.

**ASSESSMENT:** The Interstate Service Area node has emerged as the County's center of industrial and high intensity commercial development on Interstate 20. No other Tier II node in the county is as conducive to such development types with access to an interstate highway. Due to the node's distinct character, the GMP's recommended limit for commercial floor space and balance of multifamily housing to commercial floor space may be different in



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this Tier II node. The addition of commercial zoning at the applicant's property would put an underused parcel to better use and provide economic benefits to the citizens of Columbia County in the form of employment and tax revenue.

## Conditions

**Engineering:** The property is located in the Reed Creek drainage basin. Post-developed discharge must be less than pre-developed conditions through the 50-year storm. On-site storm water detention will be required.

1. If state waters are present on the property and a stream buffer variance is required for any aspect of site work, approval from the Georgia Environmental Protection Department is required.
2. If the property contains wetlands, a Jurisdictional Determination must be submitted to and approved by the United States Army Corps of Engineers.
3. If site improvements disturb more than one acre, the proper National Pollution Discharge Elimination System permit and associated fees must be submitted to the Georgia Environmental Protection Department and Columbia County 14 days prior to land disturbance.
4. Storm water detention will be required unless site improvements result in no net increase in runoff.
5. A left turn analysis will be required to determine the need for installation of a left turn lane.
6. A deceleration lane dimensioned for the posted speed limit will be required at each entrance.
7. If access to the property is granted along an existing county road, the owner will be responsible to repair all damage caused by construction vehicles.
8. If Beverly Road does not meet Columbia County standards, then it must be improved to meet Columbia County standards for commercial traffic.
9. A site plan must be submitted to and approved by the County Engineer.
10. All proposed improvements must conform to current county standards.

**Construction and Maintenance:** Engineering Department to approve ingress and egress.

**Storm Water:** Permanent drainage and utility easements are required. Storm water management plan is required due to the size of the proposed project.

**Water and Sewer:** A sewer flow monitoring test will be required. The Owner/Developer is responsible for all costs incurred to extend and connect to water and sewer system.

## Comments

**Water and Sewer:** County water is available on a ten inch line on Wheeler Road. County sewer is available on an eight inch line in Ridge Crossing Apartments/Paces Ferry Road (Quail Creek Subdivision). It is undetermined if the sewer line would be adequate for the development. See condition above requiring flow monitoring test of the sewer. This project will affect the capacity of existing water and sewer infrastructure. Further investigation would be needed to determine the effect on the sewer capacity (see attached).

**Sheriff:** There have not been accidents in this area in the past twelve months. This project will affect safety and traffic conditions in the area. Development in this area will increase vehicular traffic. Patrols will be needed to monitor increased traffic flow and safety conditions. Patrols will also be needed to deter crime for the newly developed business. A traffic deceleration lane into the proposed business area is recommended. There is adequate access for public safety vehicles.



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**Construction and Maintenance:** This project will not affect the priority of planned road projects in the area.

**Storm Water:** There are active projects in the area. The next phase of the Spring Lakes project is located on Kings Ferry Road. Any development upstream of this area could adversely affect storm water flows through this area.

**Health Department:** No comments received.

**Green space:** The property is not located in a targeted area for green space. There are no green space program lands in the area.

## Criteria for Evaluation of Rezoning Request

Criteria Point	Comment
Whether the zoning proposal will permit a use that is suitable in view of the zoning and development of adjacent and nearby property.	The surrounding zoning is mixed with residential, commercial and industrial zoning in close proximity. The location of this site would be appropriate for commercial development consistent with the interchange location
Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.	If properly buffered the commercial zoning would be compatible with surrounding land uses that are single family residential, a cemetery and a multi family residential PUD.
Whether the zoning proposal is compatible with the purpose and intent of the GMP.	The zoning would be compatible with the kinds of development that are occurring in this interstate oriented Tier II commercial node. The future land use plan calls for this property to be used for commercial purposes.
Whether there are substantial reasons why the property cannot or should not be used as currently zoned.	It is unlikely that this property would be developed as single family residential given its close proximity to commercial uses and higher density developments.
Whether the proposal could cause excessive or burdensome use of public facilities or services.	Both transportation and utility services would be adequate to accommodate the range of land uses contemplated in C-2 zoning.
Proposal is supported by new or changing conditions not anticipated by the GMP or reflected in existing zoning on the property or surrounding properties.	There are no changing conditions. The property is within a Tier II commercial node and near an interchange which justify the rezoning.
Proposal reflects a reasonable balance between the promotion of Health, Safety, and Welfare against the right to unrestricted use of property.	The proposal meets this balance test.